



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	10
VAC Chapter Number:	20
Regulation Title:	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations
Action Title:	Amending
Date:	November 19, 2001

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package .

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) has identified several changes that need to be made to its regulations to ensure that they accurately reflect the intent of the Board and to ensure that any unnecessary requirements are removed. In addition, the Board is amending its regulations to permit the use of electronic seals, signatures and dates so that documents may be filed electronically.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The APELSCIDLA Board adopted final regulations entitled “Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations” at their meeting on Monday, November 19, 2001.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

§§ 54.1-404, 54.1-411.C. 13.1-549 and 13.-1111 of the Code of Virginia authorizes the Board to promulgate regulations for a regulatory system. While the Board is mandated to establish regulations, the content of the regulations is up to the discretion of the Board.

§ 54.1-404. Regulations; code of professional practice and conduct.

The Board shall promulgate regulations not inconsistent with this chapter governing its own organization, the professional qualifications of applicants, the requirements necessary for passing examinations in whole or in part, the proper conduct of its examinations, the implementation of exemptions from license requirements, and the proper discharge of its duties.

The regulations may include a code of professional practice and conduct, the provisions of which shall serve any or all of the following purposes:

1. The protection of the public health, safety and welfare;
2. The maintenance of standards of objectivity, truthfulness and reliability in public statements by professionals;
3. The avoidance by professionals of conflicts of interests;
4. The prohibition of solicitation or acceptance of work by professionals on any basis other than their qualifications for the work offered;
5. The restriction by the professional in the conduct of his professional activity from association with any person engaging in illegal or dishonest activities; or
6. The limitation of professional service to the area of competence of each professional.

§ 54.1-411. Organization for practice; registration.

C. The Board shall adopt regulations governing the registration of persons, corporations, partnerships, limited liability companies, sole proprietors and other entities as required in subsections A and B which:

1. Provide for procedural requirements to obtain and renew registration on a periodic basis;
2. Establish fees for the application and renewal of registration sufficient to cover costs;

3. Assure that regulated services are rendered and controlled by persons authorized to do so; and
4. Ensure that conflicts of interests are disclosed.

§ 13.1-549. Qualifications of shareholders; special provisions for corporations rendering services of architects, professional engineers, land surveyors and certified landscape architects.

A corporation rendering the services of architects, professional engineers, land surveyors and certified landscape architects, or any combination thereof, shall issue not less than two-thirds of its capital stock to individuals duly licensed or otherwise legally authorized to render the services of architect, professional engineer, land surveyor or certified landscape architect, and the remainder of said stock may be issued only to and held by individuals who are employees of the corporation whether or not such employees are licensed or otherwise authorized to render professional services. No other professional corporation may issue any of its capital stock to anyone other than an individual who is duly licensed or otherwise legally authorized to render the same specific professional services as those for which the corporation was incorporated.

Notwithstanding the above limitations a professional corporation may issue its stock to a partnership each of the partners of which is duly licensed or otherwise legally authorized to render the same professional services as those for which the corporation was incorporated.

It is further provided, as an additional prerequisite for a corporation engaging in the practice of the professions of architecture, professional engineering, land surveying, or certified landscape architecture or any combination thereof, that such corporation shall secure a certificate of authority, which may be renewable and may be either general or limited, from the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. Such certificate of authority shall be issued or renewed by the Board when in its discretion such corporation is in compliance with rules and regulations which shall be promulgated by the said Board consistent with its jurisdiction to provide adequate safeguards for the public's health, welfare and safety. The fees for a certificate of authority as described above shall be the same fees as provided for in Chapter 4 (§ 54.1-600 et seq.) of Title 54.1.

§ 13.1-1111. Qualifications of members and managers; special provisions for limited liability companies rendering service of architects, professional engineers, land surveyors and certified landscape architects.

Not less than two-thirds of the membership interests of a professional limited liability company rendering the services of architects, professional engineers, land surveyors and certified landscape architects, or any combination thereof, shall be held by individuals or professional business entities duly licensed or otherwise legally authorized to render the services of architects, professional engineers, land surveyors or certified landscape architects, and the remainder of the membership interests may be held only by individuals who are employees of the professional limited liability company whether or not those employees are licensed or otherwise authorized to render professional services. No other professional limited liability company may have as a member anyone other than an individual or a professional business entity that is duly licensed or otherwise legally authorized to render the same professional services as those for which the professional limited liability company was organized.

As an additional prerequisite for a professional limited liability company's engaging in the practice of the professions of architecture, professional engineering, land surveying, or certified landscape architecture, or any combination thereof, that professional limited liability company shall secure a certificate of authority, which may be renewable and may be either general or

limited, from the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. The certificate of authority shall be issued or renewed by the Board when in its discretion the professional limited liability company is in compliance with rules and regulations which shall be promulgated by the Board consistent with its jurisdiction to provide adequate safeguards for the public's health, welfare and safety. The fees for a certificate of authority as described above shall be the same fees as provided for in Chapter 4 (§ 54.1-400 et seq.) of Title 54.1.

As the final text differs from that of the proposed, the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulations and that it comports with applicable state and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The regulations are essential to comply with state mandates. The change to permit the use of electronic seals, signatures and dates so that documents may be filed electronically is becoming more of a standard operating procedure in today’s world and as well as being a more efficient process as the business world evolves towards e-commerce. The remainder of the changes are to ensure that the Board’s intent is clearly reflected in the regulations to that the regulations are clear as possible.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action’s detail.

A summary of each of the changes follows:

VAC #	SUMMARY
18 VAC 10-20-10	“Professional” removed from “engineering” in the term “Place of business.” In addition, the definitions of “Place of business” and “Professional” were amended. Language added to clarify the term “Responsible charge.” Definitions of “comity,” “Landscape architect,” and “Licensed” included.
18 VAC 10-20-20.A	Section added that “All applicants must be of good moral character” (removed from individual sections, Parts III – VII, and relocated here).
18 VAC 10-20-20.B	Specific time frame removed; changed to “date established by the board.” In addition, 18 VAC 10-20-20.B was restructured.
18 VAC 10-20-30	Wording simplified to clarify regulation on “Determining qualifications of applicants.”

VAC #	SUMMARY
18 VAC 10-20-55	Wording added regarding "Language and comprehension" for all professions (previously Professional Engineers were the only ones with this requirement).
18 VAC 10-20-75	Section on conduct at examination site added (removed from individual sections, Parts III, IV and VI, and relocated here).
18 VAC 10-20-100	Section regarding "Character" removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).
18 VAC 10-20-110 & 120	Clarify and update wording to accurately reflect the board's intent.
18 VAC 10-20-130	Clarify that references may not also verify experience.
18 VAC 10-20-140.G	Wording regarding conduct at examination site removed as it is now located in the general section (see 18 VAC 10-20-75). In addition, clarify wording that NCARB procedures are to be followed at the examination site, as they are responsible for administering the examination.
18 VAC 10-20-150.A	Clarifying wording added to first sentence.
18 VAC 10-20-160	Wording added to, and deleted from, the following terms to clarify: "Approved engineering curriculum," "Approved engineering technology curriculum," "Qualifying engineering experience," and "Engineering examination."
18 VAC 10-20-180	Section regarding "Character" removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).
18 VAC 10-20-190.2	Wording modified to match the change to the definition of "Approved engineering technology curriculum" made in 18 VAC 10-20-160.
18 VAC 10-20-190.5	Wording clarified regarding self-study to more accurately reflect Board's intent.
18 VAC 10-20-200	Wording clarified.
18 VAC 10-20-210.2 & 210.4	Wording clarified (change made to 18 VAC 10-20-210.4 to be in sync with the change to 18 VAC 10-20-190.5).
18 VAC 10-20-220	Wording clarified regarding the requirements for references.
18 VAC 10-20-240	Wording modified to refer to "qualifying experience" instead of "professional experience." In 18 VAC 10-20-240.4 the limit on the amount of experience that may be gained prior to graduation in being increased from ¼ to ½.
18 VAC 10-20-250	Section regarding "Language and comprehension" removed from here, as it has been included in the general section (see 18 VAC 10-20-55).
18 VAC 10-20-260.F & 260.I	Wording in 18 VAC 10-20-260.F deleted as wording regarding conduct at examination site is now located in the general section (see 18 VAC 10-20-75). In addition, clarifying language added to 18 VAC 10-20-260.I.
18 VAC 10-20-270	Change the word "vigorous" to "rigorous" and modify to more closely match § 54.1-103.C of the Code of Virginia.
18 VAC 10-20-290	Section regarding "Character" removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).
18 VAC 10-20-295	Definition of "Approved land surveying experience" moved to here from 18 VAC 10-20-340.
18 VAC 10-20-300.1 through 300.6	Wording clarified and experience in 18 VAC 10-20-300.3 adjusted (the Board mistakenly lowered it too far last time they amend this regulation).
18 VAC 10-20-310	Wording clarified.
18 VAC 10-20-320	Wording clarified.
18 VAC 10-20-340	Definition of "Approved land surveying experience" moved from here to 18 VAC 10-20-295.
18 VAC 10-20-350.A & E	Wording clarified.

VAC #	SUMMARY
18 VAC 10-20-360	Wording clarified and modified to more closely match § 54.1-103.C of the Code of Virginia.
18 VAC 10-20-370 & 380	The word "land" was added to the word "boundary" throughout.
18 VAC 10-20-370.B.3	Add an accuracy standard for GPS.
18 VAC 10-20-370.C.2.f	Add the requirement that adequate curve data be included.
18 VAC 10-20-370.C.2.p	Add the option of noting the registered business on the plat instead of the land surveyor.
18 VAC 10-20-380.C.17	Add the requirement that the name and address of the land surveyor or the registered business be included on a house location survey to make it consistent with the requirements for a land boundary survey.
18 VAC 10-20-380.D	Update the citations to the Code of Virginia.
18 VAC 10-20-380.E	Delete unnecessary verbiage and make reference to § 54.1-407 of the Code of Virginia which contains the actual requirements.
18 VAC 10-20-380.F	Wording clarified.
18 VAC 10-20-400	Clarify the wording regarding the CLARB examination.
18 VAC 10-20-410	Section regarding "Character" removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).
18 VAC 10-20-420	Wording clarified to accurately reflect the Board's intent.
18 VAC 10-20-430	Wording modified to refer to "qualifying" instead of "professional."
18 VAC 10-20-440.A, C, E & F	Wording in 18 VAC 10-20-440.A changed to match the change made in 18 VAC 10-20-400. In 18 VAC 10-20-440.C, clarify the wording regarding the CLARB examination to match the change made in 18 VAC 10-20-400. In 18 VAC 10-20-440.E, specific time frame removed; changed to date established by the board. Wording in 18 VAC 10-20-440.F deleted as wording regarding conduct at examination site is now located in the general section (see 18 VAC 10-20-75).
18 VAC 10-20-450	Wording modified to more closely match § 54.1-103.C of the Code of Virginia.
TABLE II	Name of Table changed to prepare the regulations for the removal of Table I from the regulations at a later date. Language changed to reflect the change made in 18 VAC 10-20-430. The last sentence of B-2.1 removed, as it is not needed. A-6 modified to more accurately reflect the Board's intent.
18 VAC 10-20-480	Section regarding "Character" removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).
18 VAC 10-20-490.2	Wording clarified.
18 VAC 10-20-505	Wording clarified.
18 VAC 10-20-530.A	Additional wording added to reflect that a PC must remain in good standing with the SCC.
18 VAC 10-20-530.C & 530.D	Wording modified to permit certified interior designers to form, and require them to register, professional corporations with the Board due to HB1428 which was passed during the 2000 General Assembly session. Wording clarified in 18 VAC 10-20-530.D to accurately reflect statutory language.
18 VAC 10-20-530.G	Additional wording added to clearly state the Board's intent.
18 VAC 10-20-540	Wording modified to permit certified interior designers to form, and require them to register, professional corporations with the Board due to HB1428 which was passed during the 2000 General Assembly session. Wording clarified to accurately reflect statutory language.

VAC #	SUMMARY
18 VAC 10-20-550	Wording modified to permit certified interior designers to form, and require them to register, professional corporations with the Board due to HB1428 which was passed during the 2000 General Assembly session. Other wording clarified.
18 VAC 10-20-560.B	Wording clarified.
18 VAC 10-20-560.C	Clarify wording and change regulation to require regulants to notify the Board office when they leave as the responsible professional of a professional corporation.
18 VAC 10-20-570	Clarify wording in the definition of "Manager" and "Professional Limited Liability Company." Wording modified to permit certified interior designers to form, and require them to register, professional limited liability companies with the Board due to HB1428 which was passed during the 2000 General Assembly session.
18 VAC 10-20-590.A	Additional wording added to reflect that a PLLC must remain in good standing with the SCC.
18 VAC 10-20-590.C.2, C.3 & C.4	Wording modified to permit certified interior designers to form, and require them to register, professional limited liability companies with the Board due to HB1428 which was passed during the 2000 General Assembly session. Other wording clarified in 18 VAC 10-20-590.C.3 & C.4.
18 VAC 10-20-590.D	Wording revised to more closely match the Code of Virginia (§ 13.1-1118).
18 VAC 10-20-590.F	Additional wording added to clearly state the Board's intent.
18 VAC 10-20-600	Wording modified to permit certified interior designers to form, and require them to register, professional limited liability companies with the Board due to HB1428 which was passed during the 2000 General Assembly session.
18 VAC 10-20-610	Wording modified to permit certified interior designers to form, and require them to register, professional limited liability companies with the Board due to HB1428 which was passed during the 2000 General Assembly session. Other wording clarified.
18 VAC 10-20-620.B	Wording clarified.
18 VAC 10-20-620.C	Clarify wording and change regulation to require regulants to notify the Board office when they leave as the responsible professional of a professional limited liability company.
18 VAC 10-20-640.B	Clarify that professional services offered through a partnership shall be under the supervision and control of a licensed/certified professional.
18 VAC 10-20-650	Wording modified to permit certified interior designers to require them to register businesses other than PC's or PLLC's with the Board due to HB1428 that was passed during the 2000 General Assembly session. Other wording clarified.
18 VAC 10-20-660	Clarify wording and change regulation to require regulants to notify the Board office when they leave as the responsible professional of a business entity other than a PC or PLLC.
18 VAC 10-20-680.B	Delete the requirement that reinstatement applicants (whose license or certificate has been expired for 5 years or more) must meet current entry requirements and clarify wording.
18 VAC 10-20-680.E	Clarify wording.
18 VAC 10-20-720	Clarify wording.
18 VAC 10-20-740.B	Clarify wording to clearly indicate that a regulant is responsible for reporting any violation (including their own) of the Board's regulations or statutes.
18 VAC 10-20-740.D, E & F	Wording clarified to more accurately reflect the Board's intent regarding the use of another's work product.
18 VAC 10-20-750	Clarify wording to use a more appropriate term.
18 VAC 10-20-760.B	Amend the regulation to permit the use of electronic seals, signatures and dates. Other wording clarified including the wording on the seal for landscape architects contained in 18 VAC 10-20-760.B.6.

VAC #	SUMMARY
18 VAC 10-20-780	Wording modified as a result of HB1428, which requires certified interior designers to register their businesses with the Board, which was passed during the 2000 General Assembly session.
18 VAC 10-20-790.B	The two paragraphs have been joined into one paragraph.

The following changes have been made to text of the proposed regulations since its publication:

VAC #	SUMMARY
PART I title and 18 VAC 10-20-15	Amend title of this section and add a section to the regulations, 18 VAC 10-20-15, regarding the organization of the Board as required by § 54.1-404 of the Code of Virginia.
18 VAC 10-20-10 – definitions of “Full time,” “Resident,” and “Responsible charge.”	Delete the definition of “full time” and add a definition of “Resident” to be consistent with the changes to 18 VAC 10-20-780. Further clarify the change being made to the definition of “Responsible charge.”
18 VAC 10-20-10	Definition of “Responsible charge” – insert the word “exercising” before “personal.”
18 VAC 10-20-20.B	Re-insert the specific time frame for applications to be received.
18 VAC 10-20-40	Delete the term “professional” as it is not needed when referring to the service of engineering (see the definition in § 54.1-400 of the Code of Virginia).
18 VAC 10-20-120.A	Update the edition of the NCARB’s Handbook for Interns and Architects.
18 VAC 10-20-120.D, E & F and Table I	Delete these sections as they expired on January 1, 2001.
18 VAC 10-20-160	Add language to the definitions of “Approved engineering curriculum” and “Approved engineering technology curriculum” to clearly state the current policy of accepting graduates of programs that are ABET accredited within two years of the applicant’s graduation as being considered as graduated from an ABET accredited institution.
18 VAC 10-20-170	Increase the caps of the examination fees to reflect cost increases that have occurred.
18 VAC 10-20-190.3	Clearly state the intent of this section that it only applies to those applicants who are graduates of a four-year or more engineering degree program.
18 VAC 10-20-260.H	Remove the appeal procedure as the national examination provider, NCEES, no longer allows such appeals.
18 VAC 10-20-280	Increase the caps of the examination fees to reflect cost increases that have occurred.
18 VAC 10-20-300.6 and 300.7	As college credit may be substituted for experience for any land surveyor applicant, not just those applying with only a high school education, this option is being removed from 18 VAC 10-20-300.6 and placed in its own section, 18 VAC 10-20-300.7, to make it clearer to understand.
First two lines of 18 VAC 10-20-310.A	Add language to clarify that LSIT’s from other jurisdictions will have to meet our LSIT requirements and have four years of experience prior to being allowed to sit for the PLS land surveyor examination.
18 VAC 10-20-350.A	Re-insert the specific time frame for the exams to be given.
18 VAC 10-20-370.B.3	As the accuracy of GPS is not determined by the location of the property (i.e. rural or urban), amend the accuracy standard to that there is only one standard regardless of the location of the property.
18 VAC 10-20-370.D.2.k l	Update this requirement to better match the requirements of localities.
18 VAC 10-20-400	Increase the caps of the examination fees to reflect cost increases that have occurred.

VAC #	SUMMARY
18 VAC 10-20-440.E	Re-insert the specific time frame for applications to be received.
18 VAC 10-20-530.B	Add language to indicate that certified true copies of the certification of incorporation issued by the SCC is required.
18 VAC 10-20-530.D	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-530.G	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-550	Amend language to be consistent with the provisions of § 13.1-544.2 of the Code of Virginia for foreign PC's.
18 VAC 10-20-590.B	Add language indicating that certified true copies of articles of organization and/or operating agreement are required. We require certified true copies of other needed documents.
18 VAC 10-20-590.D	Add wording to clearly indicate that the PLLC must be supervised in accordance with the requirements of 18 VAC 10-20-780 (the PC and Business Entity sections contain similar language).
18 VAC 10-20-590.D	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-590.F	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-610	Amend language to be consistent with the provisions of § 13.1-1105 of the Code of Virginia for foreign PLLC's.
18 VAC 10-20-640.B	Add language that certified true copies of partnership agreements are required to be in keeping with the requirements for all other types of business entities.
18 VAC 10-20-640.C	Add language to indicate that certified true copies of the certification of incorporation issued by the SCC is required.
18 VAC 10-20-640.E	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-650	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-680.B	Include what the standard will be for evaluating reinstatement applications for individuals whose license or certificate has been expired for 5 years or more.
18 VAC 10-20-780	Revise the language to more clearly reflect the Board's intent and to allow a regulant to supervise more than one location in certain situations.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage to the public is that the Board will be able to permit its regulants to file documents electronically with these changes thereby enhancing e-commerce. Further, the proposed changes will help ensure that the Board's regulants will have a clearer set of regulations. The only disadvantage is that one experience requirement for the land surveyor license is being increased as the Board inadvertently lowered this requirement too far last time (it is being returned to the original requirement).

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

The following changes have been made to text of the proposed regulations since its publication:

VAC #	SUMMARY
PART I title and 18 VAC 10-20-15	Amend title of this section and add a section to the regulations, 18 VAC 10-20-15, regarding the organization of the Board as required by § 54.1-404 of the Code of Virginia.
18 VAC 10-20-10 – definitions of “Full time,” “Resident,” and “Responsible charge.”	Delete the definition of “full time” and add a definition of “Resident” to be consistent with the changes to 18 VAC 10-20-780. Further clarify the change being made to the definition of “Responsible charge.”
18 VAC 10-20-10	Definition of “Responsible charge” – insert the word “exercising” before “personal.”
18 VAC 10-20-20.B	Re-insert the specific time frame for applications to be received.
18 VAC 10-20-40	Delete the term “professional” as it is not needed when referring to the service of engineering (see the definition in § 54.1-400 of the Code of Virginia).
18 VAC 10-20-120.A	Update the edition of the NCARB’s Handbook for Interns and Architects.
18 VAC 10-20-120.D, E & F and Table I	Delete these sections as they expired on January 1, 2001.
18 VAC 10-20-160	Add language to the definitions of “Approved engineering curriculum” and “Approved engineering technology curriculum” to clearly state the current policy of accepting graduates of programs that are ABET accredited within two years of the applicant’s graduation as being considered as graduated from an ABET accredited institution.
18 VAC 10-20-170	Increase the caps of the examination fees to reflect cost increases that have occurred.
18 VAC 10-20-190.3	Clearly state the intent of this section that it only applies to those applicants who are graduates of a four-year or more engineering degree program.
18 VAC 10-20-260.I H	Remove the appeal procedure as the national examination provider, NCEES, no longer allows such appeals.
18 VAC 10-20-280	Increase the caps of the examination fees to reflect cost increases that have occurred.
18 VAC 10-20-300.6 and 300.7	As college credit may be substituted for experience for any land surveyor applicant, not just those applying with only a high school education, this option is being removed from 18 VAC 10-20-300.6 and placed in its own section, 18 VAC 10-20-300.7, to make it clearer to understand.
First two lines of 18 VAC 10-20-310.A	Add language to clarify that LSIT’s from other jurisdictions will have to meet our LSIT requirements and have four years of experience prior to being allowed to sit for the PLS land surveyor examination.
18 VAC 10-20-350.A	Re-insert the specific time frame for the exams to be given.
18 VAC 10-20-370.B.3	As the accuracy of GPS is not determined by the location of the property (i.e. rural or urban), amend the accuracy standard to that there is only one standard regardless of the location of the property.
18 VAC 10-20-370.D.2.k 1	Update this requirement to better match the requirements of localities.
18 VAC 10-20-400	Increase the caps of the examination fees to reflect cost increases that have occurred.
18 VAC 10-20-440.E	Re-insert the specific time frame for applications to be received.
18 VAC 10-20-530.B	Add language to indicate that certified true copies of the certification of incorporation issued by the SCC is required.

VAC #	SUMMARY
18 VAC 10-20-530.D	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-530.G	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-550	Amend language to be consistent with the provisions of § 13.1-544.2 of the Code of Virginia for foreign PC's.
18 VAC 10-20-590.B	Add language indicating that certified true copies of articles of organization and/or operating agreement are required. We require certified true copies of other needed documents.
18 VAC 10-20-590.D	Add wording to clearly indicate that the PLLC must be supervised in accordance with the requirements of 18 VAC 10-20-780 (the PC and Business Entity sections contain similar language).
18 VAC 10-20-590.D	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-590.F	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-610	Amend language to be consistent with the provisions of § 13.1-1105 of the Code of Virginia for foreign PLLC's.
18 VAC 10-20-640.B	Add language that certified true copies of partnership agreements are required to be in keeping with the requirements for all other types of business entities.
18 VAC 10-20-640.C	Add language to indicate that certified true copies of the certification of incorporation issued by the SCC is required.
18 VAC 10-20-640.E	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-650	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-680.B	Include what the standard will be for evaluating reinstatement applications for individuals whose license or certificate has been expired for 5 years or more.
18 VAC 10-20-780	Revise the language to more clearly reflect the Board's intent and to allow a regulant to supervise more than one location in certain situations.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

#	SUMMARY OF COMMENT(S)	REGULATION #	COMMENTOR'S NAME	BOARD RESPONSE
1	I understand that changes may be made to 18 VAC 10-20-240.4 that would allow applicants to receive ½ credit for experience gained prior to graduation instead of ¼ credit. This [change to 18 VAC 10-20-240.4] is great. People who gain experience while attending school should not have to wait as long as they have in the past.	18 VAC 10-20-240.4	Ernie Caldwell – e-mail.	Concur.

#	SUMMARY OF COMMENT(S)	REGULATION #	COMMENTOR'S NAME	BOARD RESPONSE
2	Changes to the definition of “Responsible charge” in 18 VAC 10-20-10. Change “their” to “there.” Add “exercising” after “and” and before “personal.” Add sentence at end of paragraph – “The professional shall exercise personal direction, guidance and control over the design, preparation of documents and other professional services and exercise professional judgement in all matters related to those services.” Delete the last sentence of this definition.	18 VAC 10-20-10	Leigh M. Dicks, VSPE – e-mail.	The “their” has already been corrected to “there.” The word “exercising” should be inserted before “personal.” Do not replace the sentence at the end of the proposed definition of “Responsible charge” contained in regulation 18 VAC 10-20-10 because the last sentence is needed for clarity. Additionally, the information in the replacement sentence is already defined in the regulations.
3	On the 6 th line, after “board” add “which is at most 120 days prior to the scheduled examination.”	18 VAC 10-20-20.A <u>B.1</u>	Leigh M. Dicks, VSPE – e-mail.	Revert the wording back to its original (pre-proposed form) which would appear to meet the intent of this comment.
4	On the 4 th line, after “or” and before “certified” add “a.”	18 VAC 10-20-530.C.2	Leigh M. Dicks, VSPE – e-mail.	Do not concur – the “a” before “landscape architect” modifies the remaining items in the list so this additional “a” is not needed.

#	SUMMARY OF COMMENT(S)	REGULATION #	COMMENTOR'S NAME	BOARD RESPONSE
5	On the 4 th line, after “or” and before “certified” add “a.”	18 VAC 10-20-530.D – second paragraph	Leigh M. Dicks, VSPE – e-mail.	Do not concur – the “a” before “landscape architect” modifies the remaining items in the list so this additional “a” is not needed.
6	On the 2 nd line, after “surveying,” and before “landscape,” add “certified.”	18 VAC 10-20-750	Leigh M. Dicks, VSPE – e-mail.	Do not concur – while landscape architecture may be a certified program in Virginia, in other jurisdictions it may be a licensed program so this change would not be valid in those situations.
7	On the 2 nd line, after “or,” and before “interior,” add “certified.”	18 VAC 10-20-750	Leigh M. Dicks, VSPE – e-mail.	Do not concur – while interior design may be a certified program in Virginia, in other jurisdictions it may be a licensed program so this change would not be valid in those situations.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

A summary of each of the changes follows:

VAC #	SUMMARY
18 VAC 10-20-10	“Professional” removed from “engineering” in the term “Place of business.” In addition, the definitions of “Place of business” and “Professional” were amended. Language added to clarify the term “Responsible charge.” Definitions of “comity,” “Landscape architect,” and “Licensed” included.
18 VAC 10-20-20.A	Section added that “All applicants must be of good moral character” (removed from individual sections, Parts III – VII, and relocated here).
18 VAC 10-20-20.B	Specific time frame removed; changed to “date established by the board.” In addition, 18 VAC 10-20-20.B was restructured.
18 VAC 10-20-30	Wording simplified to clarify regulation on “Determining qualifications of applicants.”
18 VAC 10-20-55	Wording added regarding “Language and comprehension” for all professions (previously Professional Engineers were the only ones with this requirement).
18 VAC 10-20-75	Section on conduct at examination site added (removed from individual sections, Parts III, IV and VI, and relocated here).
18 VAC 10-20-100	Section regarding “Character” removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).
18 VAC 10-20-110 & 120	Clarify and update wording to accurately reflect the board’s intent.
18 VAC 10-20-130	Clarify that references may not also verify experience.
18 VAC 10-20-140.G	Wording regarding conduct at examination site removed as it is now located in the general section (see 18 VAC 10-20-75). In addition, clarify wording that NCARB procedures are to be followed at the examination site, as they are responsible for administering the examination.
18 VAC 10-20-150.A	Clarifying wording added to first sentence.
18 VAC 10-20-160	Wording added to, and deleted from, the following terms to clarify: “Approved engineering curriculum,” “Approved engineering technology curriculum,” “Qualifying engineering experience,” and “Engineering examination.”
18 VAC 10-20-180	Section regarding “Character” removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).
18 VAC 10-20-190.2	Wording modified to match the change to the definition of “Approved engineering technology curriculum” made in 18 VAC 10-20-160.
18 VAC 10-20-190.5	Wording clarified regarding self-study to more accurately reflect Board’s intent.
18 VAC 10-20-200	Wording clarified.
18 VAC 10-20-210.2 & 210.4	Wording clarified (change made to 18 VAC 10-20-210.4 to be in sync with the change to 18 VAC 10-20-190.5).
18 VAC 10-20-220	Wording clarified regarding the requirements for references.
18 VAC 10-20-240	Wording modified to refer to “qualifying experience” instead of “professional experience.” In 18 VAC 10-20-240.4 the limit on the amount of experience that may be gained prior to graduation in being increased from ¼ to ½.
18 VAC 10-20-250	Section regarding “Language and comprehension” removed from here, as it has been included in the general section (see 18 VAC 10-20-55).
18 VAC 10-20-260.F & 260.I	Wording in 18 VAC 10-20-260.F deleted as wording regarding conduct at examination site is now located in the general section (see 18 VAC 10-20-75). In addition, clarifying language added to 18 VAC 10-20-260.I.
18 VAC 10-20-270	Change the word “vigorous” to “rigorous” and modify to more closely match § 54.1-103.C of the Code of Virginia.
18 VAC 10-20-290	Section regarding “Character” removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).

VAC #	SUMMARY
18 VAC 10-20-295	Definition of “Approved land surveying experience” moved to here from 18 VAC 10-20-340.
18 VAC 10-20-300.1 through 300.6	Wording clarified and experience in 18 VAC 10-20-300.3 adjusted (the Board mistakenly lowered it too far last time they amend this regulation).
18 VAC 10-20-310	Wording clarified.
18 VAC 10-20-320	Wording clarified.
18 VAC 10-20-340	Definition of “Approved land surveying experience” moved from here to 18 VAC 10-20-295.
18 VAC 10-20-350.A & E	Wording clarified.
18 VAC 10-20-360	Wording clarified and modified to more closely match § 54.1-103.C of the Code of Virginia.
18 VAC 10-20-370 & 380	The word “land” was added to the word “boundary” throughout.
18 VAC 10-20-370.B.3	Add an accuracy standard for GPS.
18 VAC 10-20-370.C.2.f	Add the requirement that adequate curve data be included.
18 VAC 10-20-370.C.2.p	Add the option of noting the registered business on the plat instead of the land surveyor.
18 VAC 10-20-380.C.17	Add the requirement that the name and address of the land surveyor or the registered business be included on a house location survey to make it consistent with the requirements for a land boundary survey.
18 VAC 10-20-380.D	Update the citations to the Code of Virginia.
18 VAC 10-20-380.E	Delete unnecessary verbiage and make reference to § 54.1-407 of the Code of Virginia which contains the actual requirements.
18 VAC 10-20-380.F	Wording clarified.
18 VAC 10-20-400	Clarify the wording regarding the CLARB examination.
18 VAC 10-20-410	Section regarding “Character” removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).
18 VAC 10-20-420	Wording clarified to accurately reflect the Board’s intent.
18 VAC 10-20-430	Wording modified to refer to “qualifying” instead of “professional.”
18 VAC 10-20-440.A, C, E & F	Wording in 18 VAC 10-20-440.A changed to match the change made in 18 VAC 10-20-400. In 18 VAC 10-20-440.C, clarify the wording regarding the CLARB examination to match the change made in 18 VAC 10-20-400. In 18 VAC 10-20-440.E, specific time frame removed; changed to date established by the board. Wording in 18 VAC 10-20-440.F deleted as wording regarding conduct at examination site is now located in the general section (see 18 VAC 10-20-75).
18 VAC 10-20-450	Wording modified to more closely match § 54.1-103.C of the Code of Virginia.
TABLE II	Name of Table changed to prepare the regulations for the removal of Table I from the regulations at a later date. Language changed to reflect the change made in 18 VAC 10-20-430. The last sentence of B-2.1 removed, as it is not needed. A-6 modified to more accurately reflect the Board’s intent.
18 VAC 10-20-480	Section regarding “Character” removed from here as it has been included in the general section (see 18 VAC 10-20-20.A).
18 VAC 10-20-490.2	Wording clarified.
18 VAC 10-20-505	Wording clarified.
18 VAC 10-20-530.A	Additional wording added to reflect that a PC must remain in good standing with the SCC.

VAC #	SUMMARY
18 VAC 10-20-530.C & 530.D	Wording modified to permit certified interior designers to form, and require them to register, professional corporations with the Board due to HB1428 which was passed during the 2000 General Assembly session. Wording clarified in 18 VAC 10-20-530.D to accurately reflect statutory language.
18 VAC 10-20-530.G	Additional wording added to clearly state the Board's intent.
18 VAC 10-20-540	Wording modified to permit certified interior designers to form, and require them to register, professional corporations with the Board due to HB1428 which was passed during the 2000 General Assembly session. Wording clarified to accurately reflect statutory language.
18 VAC 10-20-550	Wording modified to permit certified interior designers to form, and require them to register, professional corporations with the Board due to HB1428 which was passed during the 2000 General Assembly session. Other wording clarified.
18 VAC 10-20-560.B	Wording clarified.
18 VAC 10-20-560.C	Clarify wording and change regulation to require regulants to notify the Board office when they leave as the responsible professional of a professional corporation.
18 VAC 10-20-570	Clarify wording in the definition of "Manager" and "Professional Limited Liability Company." Wording modified to permit certified interior designers to form, and require them to register, professional limited liability companies with the Board due to HB1428 which was passed during the 2000 General Assembly session.
18 VAC 10-20-590.A	Additional wording added to reflect that a PLLC must remain in good standing with the SCC.
18 VAC 10-20-590.C.2, C.3 & C.4	Wording modified to permit certified interior designers to form, and require them to register, professional limited liability companies with the Board due to HB1428 which was passed during the 2000 General Assembly session. Other wording clarified in 18 VAC 10-20-590.C.3 & C.4.
18 VAC 10-20-590.D	Wording revised to more closely match the Code of Virginia (§ 13.1-1118).
18 VAC 10-20-590.F	Additional wording added to clearly state the Board's intent.
18 VAC 10-20-600	Wording modified to permit certified interior designers to form, and require them to register, professional limited liability companies with the Board due to HB1428 which was passed during the 2000 General Assembly session.
18 VAC 10-20-610	Wording modified to permit certified interior designers to form, and require them to register, professional limited liability companies with the Board due to HB1428 which was passed during the 2000 General Assembly session. Other wording clarified.
18 VAC 10-20-620.B	Wording clarified.
18 VAC 10-20-620.C	Clarify wording and change regulation to require regulants to notify the Board office when they leave as the responsible professional of a professional limited liability company.
18 VAC 10-20-640.B	Clarify that professional services offered through a partnership shall be under the supervision and control of a licensed/certified professional.
18 VAC 10-20-650	Wording modified to permit certified interior designers to require them to register businesses other than PC's or PLLC's with the Board due to HB1428 that was passed during the 2000 General Assembly session. Other wording clarified.
18 VAC 10-20-660	Clarify wording and change regulation to require regulants to notify the Board office when they leave as the responsible professional of a business entity other than a PC or PLLC.
18 VAC 10-20-680.B	Delete the requirement that reinstatement applicants (whose license or certificate has been expired for 5 years or more) must meet current entry requirements and clarify wording.
18 VAC 10-20-680.E	Clarify wording.
18 VAC 10-20-720	Clarify wording.

VAC #	SUMMARY
18 VAC 10-20-740.B	Clarify wording to clearly indicate that a regulant is responsible for reporting any violation (including their own) of the Board's regulations or statutes.
18 VAC 10-20-740.D, E & F	Wording clarified to more accurately reflect the Board's intent regarding the use of another's work product.
18 VAC 10-20-750	Clarify wording to use a more appropriate term.
18 VAC 10-20-760.B	Amend the regulation to permit the use of electronic seals, signatures and dates. Other wording clarified including the wording on the seal for landscape architects contained in 18 VAC 10-20-760.B.6.
18 VAC 10-20-780	Wording modified as a result of HB1428, which requires certified interior designers to register their businesses with the Board, which was passed during the 2000 General Assembly session.
18 VAC 10-20-790.B	The two paragraphs have been joined into one paragraph.

The following changes have been made to text of the proposed regulations since its publication:

VAC #	SUMMARY
PART I title and 18 VAC 10-20-15	Amend title of this section and add a section to the regulations, 18 VAC 10-20-15, regarding the organization of the Board as required by § 54.1-404 of the Code of Virginia.
18 VAC 10-20-10 – definitions of “Full time,” “Resident,” and “Responsible charge.”	Delete the definition of “full time” and add a definition of “Resident” to be consistent with the changes to 18 VAC 10-20-780. Further clarify the change being made to the definition of “Responsible charge.”
18 VAC 10-20-10	Definition of “Responsible charge” – insert the word “exercising” before “personal.”
18 VAC 10-20-20.B	Re-insert the specific time frame for applications to be received.
18 VAC 10-20-40	Delete the term “professional” as it is not needed when referring to the service of engineering (see the definition in § 54.1-400 of the Code of Virginia).
18 VAC 10-20-120.A	Update the edition of the NCARB's Handbook for Interns and Architects.
18 VAC 10-20-120.D, E & F and Table I	Delete these sections as they expired on January 1, 2001.
18 VAC 10-20-160	Add language to the definitions of “Approved engineering curriculum” and “Approved engineering technology curriculum” to clearly state the current policy of accepting graduates of programs that are ABET accredited within two years of the applicant's graduation as being considered as graduated from an ABET accredited institution.
18 VAC 10-20-170	Increase the caps of the examination fees to reflect cost increases that have occurred.
18 VAC 10-20-190.3	Clearly state the intent of this section that it only applies to those applicants who are graduates of a four-year or more engineering degree program.
18 VAC 10-20-260.H	Remove the appeal procedure as the national examination provider, NCEES, no longer allows such appeals.
18 VAC 10-20-280	Increase the caps of the examination fees to reflect cost increases that have occurred.
18 VAC 10-20-300.6 and 300.7	As college credit may be substituted for experience for any land surveyor applicant, not just those applying with only a high school education, this option is being removed from 18 VAC 10-20-300.6 and placed in its own section, 18 VAC 10-20-300.7, to make it clearer to understand.
First two lines of 18 VAC 10-20-310.A	Add language to clarify that LSIT's from other jurisdictions will have to meet our LSIT requirements and have four years of experience prior to being allowed to sit for the PLS land surveyor examination.

VAC #	SUMMARY
18 VAC 10-20-350.A	Re-insert the specific time frame for the exams to be given.
18 VAC 10-20-370.B.3	As the accuracy of GPS is not determined by the location of the property (i.e. rural or urban), amend the accuracy standard to that there is only one standard regardless of the location of the property.
18 VAC 10-20-370.D.2.k l	Update this requirement to better match the requirements of localities.
18 VAC 10-20-400	Increase the caps of the examination fees to reflect cost increases that have occurred.
18 VAC 10-20-440.E	Re-insert the specific time frame for applications to be received.
18 VAC 10-20-530.B	Add language to indicate that certified true copies of the certification of incorporation issued by the SCC is required.
18 VAC 10-20-530.D	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-530.G	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-550	Amend language to be consistent with the provisions of § 13.1-544.2 of the Code of Virginia for foreign PC's.
18 VAC 10-20-590.B	Add language indicating that certified true copies of articles of organization and/or operating agreement are required. We require certified true copies of other needed documents.
18 VAC 10-20-590.D	Add wording to clearly indicate that the PLLC must be supervised in accordance with the requirements of 18 VAC 10-20-780 (the PC and Business Entity sections contain similar language).
18 VAC 10-20-590.D	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-590.F	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-610	Amend language to be consistent with the provisions of § 13.1-1105 of the Code of Virginia for foreign PLLC's.
18 VAC 10-20-640.B	Add language that certified true copies of partnership agreements are required to be in keeping with the requirements for all other types of business entities.
18 VAC 10-20-640.C	Add language to indicate that certified true copies of the certification of incorporation issued by the SCC is required.
18 VAC 10-20-640.E	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-650	Modify language to match the changes made to 18 VAC 10-20-780 and related sections.
18 VAC 10-20-680.B	Include what the standard will be for evaluating reinstatement applications for individuals whose license or certificate has been expired for 5 years or more.
18 VAC 10-20-780	Revise the language to more clearly reflect the Board's intent and to allow a regulant to supervise more than one location in certain situations.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The contemplated changes are expected to have no impact on families.